

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Conservation and Reclamation: HB 988, HB 989, HB 1458.

Counties: HB 190, HB 444, HB 524.

Engrossed and Enrolled Bills: Correctly enrolled—HCR 95.

Governmental Affairs and Efficiency: HB 613, SB 184, SB 185.

Insurance: HB 334, HB 349, HB 683.

Parks and Wildlife: HB 617, HB 738.

Public Health: SB 27.

FORTY-FOURTH DAY—THURSDAY, MARCH 25, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Cole	Hilliard	Nichols
Adams	Craddick	Holmes, T.	Niland
Agnich	Cruz	Holmes, Z.	Nugent, J.
Allen, Joe	Daniel	Howard	Ogg
Allen, John	Davis, D.	Hubenak	Orr
Allred	Davis, H.	Hull	Parker, C.
Atwell	Denton	Ingram	Parker, W.
Atwood	Doran	Johnson	Patterson
Baker	Doyle	Jones, D.	Pickens
Bass, B.	Dramberger	Jones, E.	Poerner
Bass, T.	Earthman	Jones, G.	Poff
Beckham	Farenthold	Jungmichel	Presnal
Bigham	Finck	Kaster	Price
Blanton	Finnell	Kost	Reed
Blythe	Finney	Kubiak	Rodriguez
Bowers	Floyd	Lee	Rosson
Boyle	Foreman	Lemmon	Salem
Braecklein	Gammage	Lewis	Sanchez
Braun	Garcia	Ligarde	Schulle
Burgess	Grant	Lombardino	Semos
Bynum	Graves	McAlister	Sherman
Caldwell	Hale	McKissack	Short
Calhoun	Hanna, Joe	Mengden	Simmons
Carrillo	Hannah, John	Moncrief	Slack
Cates	Harding	Moore, A.	Slider
Cavness	Harris	Moore, T.	Solomon
Christian	Hawkins	Murray	Spurlock
Clark	Haynes	Nabers	Stewart
Clayton	Head	Nelms	Stroud
Coats	Heatly	Neugent, D.	Swanson
Cobb	Hendricks	Newton	Tarbox

March 25, 1971

HOUSE JOURNAL

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Traeger	Vale	Wieting	Wyatt
Truan	Von Dohlen	Williams	
Tupper	Ward	Williamson	
Uher	Wayne	Wolff	

Absent

Angly	Lovell	Moreno	Silber
Kilpatrick	Moore, G.	Santiesteban	Smith
Longoria			

Absent-Excused

Golman	Hawn	Salter	Shannon
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A quorum of the House was announced present.

The Invocation was offered by Coach Jim Carlen, Head Football Coach, Texas Tech University.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Hawn on motion of Mr. Stroud.

Mr. Golman on motion of Mr. McKissack.

Mr. Shannon on motion of Mr. Sherman.

On motion of Mr. Tom Moore, Mr. Salter was granted leave of absence for today on account of illness in the family.

MESSAGE FROM THE SENATE

Austin, Texas, March 25, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 64, By Hightower: Creating the Bicentennial Study Committee.

SCR 65, By Bernal, et al: Ratifying the proposed Amendment to the Constitution of the United States extending the right to vote to persons who are 18 years of age or older.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

Representatives Smith, Griffith Moore, and Lovell entered the House and were announced present.

HSR 280—ADOPTED

(Congratulating Representative Johnnie Nelms on his new title of Great Uncle)

Mr. Clark offered the following resolution:

HSR 280

Whereas, Our worthy colleague, the Honorable Johnnie Nelms, of Pasadena, became a Great Uncle on March 23, 1971, with the birth of a baby daughter to Mr. and Mrs. Curtis Young in Austin; and

Whereas, This grown man's heart has been completely taken by his new niece, and it is rumored that a proclamation establishing her birthdate as Great Uncle's Day in Texas is under consideration; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature take great pleasure in congratulating Representative Nelms on his new title of Great Uncle and remind him that every privilege carries responsibilities, such as passing out cigars to his colleagues, buying dolls, and constantly indulging the little girl's whims.

Signed: Clark, Cruz, Mengden, Lee, Bowers, Braun, Tom Bass, Nichols, Graves, Ogg, Lemmon, Joe Allen, Earthman, Blythe, Gammage, Edmund Jones, Swanson, and Williams.

The resolution was read and was unanimously adopted.

On motion of Mr. Cruz the names of all the Members of the House were added to the resolution as signers thereof.

Representative Kilpatrick entered the House and was announced present.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 277, by Jungmichel: Congratulating Evohn Rosanky Moore.

HSR 278, by McAlister: Commending James Anthony Carlen III.

HSR 279, by Hilliard, Hull, Finney, Lewis, Shannon, Sherman, Spurlock, and Moncrief: Saluting the students in the state and local government class at Tarrant County Junior College.

HSR 282, by Graves and Zan Holmes: Commending Dr. J. Mason Brewer.

HSR 283, by Bigham: Congratulating Miss Mary Helen Yarbrough.

On motion of Mr. Bigham the names of all the Members of the House were added to HSR 283 as signers thereof.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HSR 284, by Cole: In memory of Dr. L. C. (Ted) Biggers.

HSR 281—ADOPTED

The following resolution was unanimously adopted:

HSR 281, by Jungmichel and Dean Neugent: Wishing Mrs. Homer Leonard a speedy recovery.

On motion of Mr. Jungmichel the names of all the Members of the House were added to the resolution as signers thereof.

MESSAGE FROM THE SENATE

Austin, Texas, March 25, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HB 235, By Kubiak: Establishing the duties of public school principals; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HCR 98—ADOPTED

(Inviting Dr. Billy Graham to hold a crusade in Austin)

Mr. Harold Davis offered the following resolution:

HCR 98

Whereas, It has been 15 years since The Reverend Dr. Billy Graham brought his crusade program to Austin; and

Whereas, The last Billy Graham Crusade in Austin was an inspiration to thousands of Austinites, legislators, and citizens of Central Texas; and

Whereas, A native son of Charlotte, North Carolina, Billy Graham worked his way through college as a Fuller Brush salesman before rising to worldwide prominence in the late 1940's as a Christian Evangelist; his moving sermons and his consecrated example of religious devotion have brought the message of eternal life to millions of Americans; and

Whereas, The Texas Legislature wishes to invite Billy Graham back to Austin to see Texas state government in action and to hold another crusade for the citizens of Austin and Central Texas; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the

Senate concurring, That the 62nd Legislature, on behalf of the Members of the Texas Legislature and the Governor of the State of Texas, extend an invitation to The Reverend Dr. Billy Graham to hold a crusade in Austin during the Regular Session of the 63rd or 64th Legislatures; and, be it further

Resolved, That the Athletic Council of The University of Texas at Austin be requested to cooperate with the Billy Graham Crusade in scheduling a crusade to be held in Memorial Stadium; and, be it further

Resolved, That a copy of this Resolution be prepared for The Reverend Dr. Billy Graham as his official invitation from the Texas Legislature.

Signed: Harold Davis, Foreman, Cavness, Moreno, Shannon, Kubiak, Stroud, Wieting, Heatly, Allred, Uher, Salem, Cates, Hale, Vale, Grant, Graves, T. Moore, Atwell, Price, Cole, Silber, Boyle, Finney, Wayne, Ingram, Lewis, Short, Cobb, B. Bass, Swanson, D. Jones, Rosson, Schulle, Presnal, Zan Holmes, W. Parker, T. Bass, Hubenak, McAlister, Longoria, Reed, Dramberger, Clark, Wolff, Ward, Salter, Denton, Kilpatrick, Poerner, Kaster, Tupper, Earthman, Newton, Von Dohlen, Blythe, Williams, E. Jones, Atwood, McKissack, Bigham, Dee Jon Davis, Hilliard, Christian, Moncrief, Blanton, Haynes, Wyatt, Doyle, Ogg, Finnell, Finck, Nichols, Nabers, Harris, Gammage, Nelms, Joe Hanna, Solomon, Williamson, and Hawkins.

The resolution was unanimously adopted.

COMMITTEE MEETING

Mr. Swanson asked unanimous consent of the House that the Committee on Oil, Gas, and Mining be permitted to meet at this time.

There was objection.

Mr. Swanson moved that the Committee on Oil, Gas, and Mining be permitted to meet at this time.

The motion prevailed.

Representative Angly entered the House and was announced present.

HB 453 WITH SENATE AMENDMENTS

Mr. Carl Parker called up with Senate Amendments for consideration at this time,

HB 453, Relating to safety of persons engaged in activities in the proximity of high voltage electric lines.

Mr. Carl Parker moved to suspend all necessary rules and concur in the Senate Amendments to HB 453.

The motion prevailed by the following vote:

Yeas—139

Adams	Denton	Kaster	Price
Agnich	Doyle	Kilpatrick	Reed
Allen, Joe	Dramberger	Kost	Rodriguez
Allen, John	Earthman	Kubiak	Rosson
Allred	Farenthold	Lee	Salem
Angly	Finck	Lemmon	Sanchez
Atwell	Finnell	Lewis	Schulle
Atwood	Finney	Ligarde	Semos
Baker	Floyd	Lombardino	Sherman
Bass, B.	Foreman	Longoria	Short
Bass, T.	Gammage	Lovell	Silber
Beckham	Garcia	McAlister	Simmons
Bigham	Grant	McKissack	Slack
Blanton	Graves	Mengden	Slider
Blythe	Hale	Moncrief	Smith
Bowers	Hanna, Joe	Moore, A.	Solomon
Boyle	Hannah, John	Moore, G.	Spurlock
Braecklein	Harding	Moore, T.	Stewart
Braun	Harris	Moreno	Stroud
Burgess	Hawkins	Murray	Swanson
Bynum	Haynes	Nabers	Tarbox
Caldwell	Head	Nelms	Traeger
Carrillo	Heatly	Neugent, D.	Truan
Cates	Hendricks	Newton	Tupper
Cavness	Hilliard	Nichols	Uher
Christian	Holmes, Z.	Niland	Vale
Clark	Howard	Nugent, J.	Von Dohlen
Clayton	Hubenak	Ogg	Ward
Coats	Hull	Orr	Wayne
Cole	Ingram	Parker, C.	Wieting
Craddick	Johnson	Parker, W.	Williams
Cruz	Jones, D.	Pickens	Williamson
Daniel	Jones, E.	Poerner	Wolff
Davis, D.	Jones, G.	Poff	Wyatt
Davis, H.	Jungmichel	Presnal	

Nays—1

Holmes, T.

Absent

Calhoun	Doran	Patterson	Santiesteban
Cobb			

Absent-Excused

Golman	Hawn	Salter	Shannon
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HB 453—TEXT OF SENATE AMENDMENTS

Amend subsection (2) of Section One of HB 453 by substituting the following:

(2) "Overhead line" means all bare or insulated electrical conductors in-

stalled above ground except those conductors that are de-energized and grounded or that are enclosed in rigid metallic conduit.

Amend HB 453 by adding the following Section 5A immediately following Section 5:

Section 5A. In addition to the minimum distances prescribed in Sections 3 and 4 of this Act, the operation of equipment or machines described in Section 5 or any part of such equipment or machines within 10 feet of any high voltage overhead line shall be unlawful unless danger against contact with high voltage overhead lines has been effectively guarded against pursuant to the provisions of Section 6 of this Act.

Amend caption to conform to body of bill.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled resolution:

SCR 62, Commending the Houston Chapter of the National Conference of Christians and Jews, Inc.

INTRODUCTION OF HOUSE BILLS

Mr. McAlister asked unanimous consent to introduce and have placed on first reading HB 1625.

There was no objection offered.

Mr. Heatly asked unanimous consent to introduce and have placed on first reading HB 1626.

There was no objection offered.

RELATIVE TO BILLS AND RESOLUTIONS ON FIRST READING

By unanimous consent the reading of bills and resolutions on first reading and referral to Committees was delayed until the business on the Calendar was considered.

INTRODUCTION OF HB 1627

Mr. Slack asked unanimous consent to introduce and have placed on first reading HB 1627.

There was no objection offered.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills and resolutions:

HB 76, Establishing Professional Services Procurement Act.

HB 347, Changing name of Harris County Houston Ship Channel Navigation District to Port of Houston Authority of Harris County.

HB 348, Authorizing Harris County Houston Ship Channel Navigation District to provide adequate fire protection within and without boundaries.

HB 386, Relating to salary of criminal district attorney of Hidalgo County.

HB 493, Relating to an increased maintenance tax in certain school districts.

HB 600, Concerning special rates by transportation companies for persons over 65 or blind or disabled persons.

HCR 28, Inviting Senator Lloyd M. Bentsen, Jr., to address a Joint Session of the Legislature.

HCR 77, Commending Joe D. Hernandez.

HCR 97, Congratulating the Navasota Chapter of the Future Homemakers of America.

SB 140 ON SECOND READING
(Mr. Cobb—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 140, A bill to be entitled An Act relating to the creation, organization, powers, duties, and procedures of the Texas Motor Vehicle Commission; providing and establishing the requirements for the license of persons engaged in the business as franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives and the renewal of such licenses; providing fees for the issuance of licenses; providing grounds for refusal to license and revocation and suspension of licenses; providing certain prohibited acts on the part of franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives without regard to the terms of the franchise agreements between the parties; providing for suits for civil penalties and injunction for violation of the Act; providing for appeals from actions taken by the Commission; enacting other provisions relating to the subject; providing for severability of the Act; and declaring an emergency.

The bill was read second time.

Mr. Uher offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 140 by striking all below the enacting clause and insert the following:

Section 1. The Texas Motor Vehicle Commission Code is adopted to read as follows:

"Subchapter A. General Provisions

Short Title

Section 1.01. This Act may be cited as the Texas Motor Vehicle Commission Code.

Policy and Purpose

Section 1.02. The distribution and sale of new motor vehicles in this state vitally affects the general economy of the state and the public interest and welfare of its citizens. It is the policy of this state and the purpose of this Act to exercise the state's police power to insure a sound system of distribution and selling new motor vehicles through licensing and regulating the manufacturers, distributors, and franchised dealers of those vehicles to provide for compliance with manufacturer's warranties, and to prevent frauds, unfair practices, discriminations, impositions, and other abuses of our citizens.

Definitions

Section 1.03. In this Act, unless the context requires a different definition:

(1) "Motor vehicle" means every self-propelled vehicle by which a person or property may be transported on a public highway and having four or more wheels.

(2) "New motor vehicle" means a motor vehicle which has not been the subject of a "retail sale" as defined in Art. 6.03(B) Taxation-General, Title 122A.

(3) "Person" means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

(4) "Dealer" means any person engaged in the business of buying, selling or exchanging new motor vehicles at an established and permanent place of business pursuant to a franchise in effect with a manufacturer or distributor.

(5) "Manufacturer" means any person who manufactures or assembles new motor vehicles either within or without this state.

(6) "Distributor" means any person who distributes and/or sells new motor vehicles to dealers and who is not a manufacturer.

(7) "Representative" means any person who is or acts as an agent, employee or representative of a manufacturer or distributor who performs any duties in this state relating to making or promoting of the distribution and/or sale of new motor vehicles or who contacts dealers in this state on behalf of a manufacturer or distributor.

(8) "Franchise" means a contract under which (A) the franchisee is granted the right to sell new motor vehicles manufactured or distributed by the franchisor; (B) the franchisee as an independent business is a component of franchisor's distribution system; (C) the franchisee is substantially associated with franchisor's trademark, tradename and

commercial symbol; and (D) the franchisee's business is substantially reliant on franchisor for a continued supply of motor vehicles, parts, and accessories for the conduct of its business.

(9) "Commission" means the Texas Motor Vehicle Commission created by this Act.

Subchapter B. Administrative Provisions

Texas Motor Vehicle Commission

Section 2.01. The Texas Motor Vehicle Commission is hereby created as an agency of the state to carry out the functions and duties conferred upon it by this Act.

Members of Commission

Section 2.02. The Commission shall consist of six persons appointed by the Governor with the advice and consent of the Senate.

Qualifications of Members

Section 2.03. Each member of the Commission shall be a citizen of the United States and a resident of this state. Four members shall be dealers, no two of which are franchised to sell the motor vehicles manufactured or distributed by the same person or a subsidiary or affiliate of the same person. Two members shall be persons not required to be licensed hereunder from the public at large. The persons initially appointed to the Commission as dealer-members shall be persons whose principal occupation has been as franchised new motor vehicle dealers in this state for at least ten years. The dealer-members appointed to the Commission after the initial appointments are made shall be licensed dealers under this Act. If any dealer-member of the Commission ceases to be a licensed dealer under this Act, the office of such member is automatically vacated, which shall be filled as any other vacancy.

Terms of Members

Section 2.04. The members of the Commission shall hold office for terms of six years, except the initial members, with the terms of two members expiring on September 1 of each odd-numbered year. The members of the first Commission shall be appointed within ninety days after this Act becomes effective, with the Governor designating two to serve for terms expiring September 1, 1973, two for terms expiring September 1, 1975, and two for terms expiring September 1, 1977. The Governor shall make the appointments in such a way that there are always two members on the Commission from the public at large. No person shall serve two consecutive full six-year terms as a member of the Commission.

Vacancies

Section 2.05. The Governor, with the advice and consent of the Senate, shall fill vacancies on the Commission for the duration of the unexpired term.

Oath

Section 2.06. Members of the Commission qualify by taking the constitutional oath of office which shall, with the certificate of appointment, be filed with the Secretary of State who shall issue a commission as evidence of the authority of the members to act.

Per Diem; Expenses

Section 2.07. Each member of the Commission shall be entitled to \$25.00 per day for each day actually engaged in the duties of the office, including time spent in necessary travel to and from meetings and otherwise, together with all travel and other necessary expenses incurred while performing official duties.

Commission Meetings

Section 2.08. The Commission shall hold a regular annual meeting in September of each year and elect a chairman and vice-chairman to serve for the ensuing year. The Commission shall have regular meetings as the majority of the members specify and special meetings at the request of any two members. Reasonable notice of all meetings shall be given as Commission rules prescribe. A majority of the Commission, including at least one of the public members, shall constitute a quorum to transact business.

Executive Directors; Staff

Section 2.09. The Commission shall employ an executive director who shall be the chief administrative officer of the Commission who shall maintain all minutes of Commission proceedings and who shall be custodian of the files and records of the Commission. The executive director shall employ the staff authorized by the Commission. The Commission may, by interagency contract, utilize assistance of any state agency.

Special Fund

Section 2.10. The Commission shall deposit all monies received by it from license fees paid under this Act with the state treasurer, who shall keep them in a separate fund to be known as the "Motor Vehicle Commission Fund." The Commission may use this fund for salaries, wages, per diem, professional and consulting fees, grants, loans, contracts, travel expenses, equipment, office rent and expense and other necessary expense incurred in carrying out its duties under the Act as provided by legislative appropriation. At the close of each biennium the unexpended balance remaining in the Motor Vehicle Commission Fund shall be transferred to the general revenue fund.

Seal

Section 2.11. The Commission shall adopt a seal for the authentication of its records and orders.

Subchapter C. Powers and Duties

In General

Section 3.01. The Commission shall administer the provisions of this Act,

establish the qualifications of manufacturers and dealers, and insure that the distribution of sale of motor vehicles is conducted as provided herein and under the Commission's rules. The Commission has the powers and duties specifically prescribed by this Act and all other powers necessary and convenient to carry out its responsibilities.

Rules

Section 3.02. The Commission, after hearing, shall make, amend, and enforce rules reasonably required to effectuate the provisions of this Act and govern procedure and practice before the Commission. The Commission shall comply with Chapter 274, Acts of the 57th Legislature, Regular Session, as amended (Article 6252-13, Vernon's Texas Civil Statutes).

Orders

Section 3.03. The Commission is authorized to issue orders and make determinations as may be necessary to carry out this Act. The orders shall set forth the findings on which the order is based and the reason for the particular action taken. All orders shall be signed by the chairman or vice-chairman and attested by the executive director and have the seal affixed.

Hearings

Section 3.04. (a) The Commission may hold hearings, administer oaths, receive evidence, issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to the hearing, and make findings of fact and decisions in administering the Act and the rules, orders, and other actions of the Commission.

(b) Notice of a hearing shall describe in summary form the purposes of the hearing and its date, time, and place.

(c) Notice of a hearing on Commission rules and other matters having general application shall be mailed to all licensees not less than twenty days before the hearing date and may be given to such other persons as the Commission deems appropriate. Notice of a hearing concerning a specific geographic area and not having general application shall be sent to the licensees in that area as defined by the Commission.

(d) Notice of a hearing concerning individual persons shall be given by certified mail return receipt requested to the persons involved at their last known address not less than twenty days before the hearing date. Notice may be given to any officer, agent, employee, legal representative or attorney of the person. Notice may be waived by interested persons.

(e) A hearing shall be conducted at the time and place stated in the notice or an amended notice shall be sent. A hearing may be continued from time to time and place to place as announced openly before the hearing is recessed without further notice or otherwise by giving reasonable notice less than twenty days before.

(f) The Commission may delegate the authority to call and hold hearings to one or more of its members, the executive director, one or more employees of the Commission or to persons under contract to the Commission. The person holding the hearing shall have all the powers of the Commission in connection with the hearing.

(g) All persons whose rights may be affected at any hearing shall have the right to appear personally and by counsel, to cross-examine adverse witnesses and to produce evidence and witnesses in their own behalf. If a hearing is not held before the whole Commission, such person shall have the right to appear before the Commission and present evidence when the matter comes before them for decision.

(h) A retail buyer of a new motor vehicle may make a complaint concerning defects in a new motor vehicle which are covered by the warranty agreement applicable to the vehicle. Such complaint must be made by certified letter to the dealer and must specify the defects in the vehicle which are covered by the warranty. After the dealer has had 30 days in which to correct defects covered by the warranty, the owner may make further complaint by an additional certified letter to the dealer with copies to the applicable manufacturer or distributor and the Commission. The Commission may hold a hearing on all unsatisfied complaints to determine whether there has been a violation of the Act.

Enforcement; Contracts; Instruments

Section 3.05. The Commission may cause legal proceedings to be instituted to enforce this Act and its rules, orders and decisions. Should it appear from any investigation of a possible violation of any other law or regulation that a violation of this Act may have occurred, the matter shall be referred to the Commission to determine whether proceedings under this Act are also appropriate. The Commission may make contracts and execute instruments necessary or convenient to the exercise of its power or performance of its duties.

Subchapter D. Licenses

License Required

Section 4.01. No person shall engage in business as, serve in the capacity of, or act as a dealer, manufacturer, distributor or representative in this state without obtaining a license therefor as provided in this Act on or after December 1, 1971. All licenses shall be issued between August 31 and December 1 of each year as prescribed by the Commission and shall expire one year from date of issue.

Dealer Application

Section 4.02. (a) The application for a dealer license shall be on a form prescribed by the Commission which shall include information on the applicant's financial resources, business integrity, business ability and experience, franchise agreement, physical facilities for sales and service, parts and accessories, inventory, new vehicle inventory and other factors the Commission considers necessary to determine applicant's qualifications to adequately serve the motoring public.

(b) A license may be renewed annually by filing an application on the forms prescribed which shall keep current the information supplied in the original application and by paying the fees.

(c) A dealer may carry on the business of his dealership at more than one location; however, a separate license shall be required for each separate and distinct dealership as determined by the Commission.

(d) A dealer licensed hereunder shall promptly notify the Commission of a change in ownership, location or franchise of a dealer, or any other matters the Commission may require by rule. If a dealer changes location of all or any part of his dealership to another municipality, a new license must be applied for as in any original application.

Manufacturer, Distributor and Representative Application

Section 4.03. (a) The application for a manufacturer's, distributor's, or representative's license shall be on a form prescribed by the Commission which form shall contain such information as the Commission deems necessary to fully determine the qualifications of the applicant for a license, including financial resources, business integrity and experience, facilities and personnel for serving dealers and such other information as the Commission considers to be pertinent to safeguard the public interest and welfare.

(b) The applicant for a manufacturer's license shall furnish a list of all distributors, representatives acting for applicant, and all dealers franchised to sell applicant's products in this state and their location and contract term. Thereafter all manufacturers shall advise the Commission within fifteen days of any change in the list of distributors, representatives, and dealers, and this information shall become part of the licensee's application.

(c) Each application for a manufacturer's license shall include an instrument setting forth the terms and conditions of all warranty agreements in force and effect on the products it sells in this state to ascertain the degree of protection afforded the retail purchasers of those products and the obligations of dealers in connection therewith as well as the basis for compensating dealers for labor, parts and other expenses incurred in connection with such manufacturer's warranty agreements. In addition, all manufacturers shall specify on or with the application the delivery and preparation obligations of their dealers prior to delivery of a new motor vehicle to a retail purchaser and the schedule of compensation to be paid to dealers for the work and service performed by them in connection with such delivery.

(d) The application for a distributor license shall disclose the manufacturer for whom the distributor will act, whether the manufacturer is licensed in this state, the warranty covering the vehicles to be sold, the persons in this state who will be responsible for compliance with that warranty, and the nature and terms of the contract under which the distributor will act for a manufacturer. Also, the application must disclose the dealers with whom the distributor will do business. If the distributor is to have any responsibility for warranties, the distributor shall furnish the same information pertaining thereto as is required of a manufacturer. The Commission shall be advised of any change in this information within fifteen days from the date thereof and such new information shall become part of the licensee's application.

(e) A license may be renewed annually by filing an application on the forms prescribed which shall keep current the information supplied in the original application and by paying the fees.

Doing Business

Section 4.04. The obtaining of a license hereunder shall constitute the

doing of business in this state, and if no agent for service of process has been designated by a licensee, the licensee will be deemed to have designated the Secretary of State of Texas as his or its agent for receipt of service of process.

Fees

Section 4.05. (a) The annual license fees for licenses issued hereunder shall be as follows:

- (1) For each manufacturer and distributor, \$200.00.
- (2) For each dealer who sold more than 200 new motor vehicles during the preceding calendar year, \$50.00.
- (3) For each dealer who sold 200 or less new motor vehicles during the preceding calendar year, \$25.00.
- (4) For each representative, \$25.00.
- (b) If any person fails to apply for a license required hereunder or fails to pay a fee within the time specified, such person shall pay as a penalty 50% of the amount of the fee for each thirty days of default.

Denial, Revocation or Suspension of License

Section 4.06. (a) The Commission may deny an application for a license or revoke or suspend an outstanding license, for any of the following reasons:

- (1) Proof of unfitness of applicant or licensee under standards set out in the Act or in Commission rules.
- (2) Material misrepresentation in any application or other information filed under this Act or Commission rules.
- (3) Willful failure to comply with this Act or any rule promulgated by the Commission hereunder.
- (4) Failure to maintain the qualifications for a license.
- (5) Willfully defrauding any retail buyer to the buyer's damage.
- (6) Willful violation of any law relating to the sale, distribution, financing or insuring of new motor vehicles.
- (7) Any act or omission by an officer, director, partner, trustee or other person acting in a representative capacity for a licensee which act or omission would be cause for denying, revoking or suspending a license to an individual licensee.
- (b) The revocation of a license previously held under this Act may be grounds for denying a subsequent application for a license.
- (c) The Commission may deny a dealer application to establish a new dealership in a community or metropolitan area where the same make of new motor vehicle is then represented by a dealer who is in compliance

with his franchise agreement with the manufacturer or distributor, is adequately representing the manufacturer or distributor, in that community or metropolitan area in the sale and service of its new motor vehicles, and no good cause is shown for an additional dealer license in the public interest.

(d) The revocation or suspension of a manufacturer or distributor license may be limited to one or more municipalities or counties or any other defined area, or may be revoked or suspended in a defined area only as to certain aspects of its business, or as to a specified dealer or dealers.

(e) No license shall be denied, revoked, or suspended except on order of the Commission after a hearing and the evidence adduced is considered by the Commission at the hearing or by a hearing report. The Commission may inspect the books and records of a licensee in connection with a hearing called or proposed.

Subchapter E. Prohibitions

Dealers

Section 5.01. It shall be unlawful for any dealer to:

(1) Require a retail purchaser of a new motor vehicle as a condition of sale and delivery thereof to purchase special features, equipment, parts or accessories not ordered or desired by the purchaser, provided such features, equipment, parts or accessories are not already installed on the new motor vehicle when received by the dealer.

(2) Use false, deceptive or misleading advertising in connection with any of the business of a dealer, as defined in Acts 1967, 60th Leg., Vol. 2, p. 2343, Ch. 785 §1 as amended (Section 17.12, Vernon's Texas Codes Annotated, Business & Commerce Code).

(3) Fail to perform after complaint and hearing the obligations placed on the selling dealer in connection with the delivery and preparation of a new motor vehicle for retail sale as provided in the manufacturer's preparation and delivery agreements on file with the Commission and applicable to such vehicle.

(4) Fail after complaint and hearing to perform the obligations placed on the dealer in connection with the manufacturer's warranty agreements on file with the Commission.

(5) Operate as a dealer without a currently valid license from the Commission or otherwise violate this Act or rules promulgated by the Commission hereunder.

Manufacturers; Distributors; Representatives

Section 5.02. It shall be unlawful for any manufacturer, distributor or representative to:

(1) Require or attempt to require any dealer to order or accept delivery of any motor vehicle, appliance, parts, accessories, or any commodity unless voluntarily ordered by such dealer, or to require or attempt to require any dealer to contribute or pay anything of value, directly or indirectly, to any cooperative or other advertising program or fund.

(2) Refuse or fail to deliver in reasonable quantities and within a reasonable time after receipt of an order to a dealer having a franchise agreement for the retail sale of any motor vehicles sold or distributed by such manufacturer, distributor, or representative, any new motor vehicle or parts or accessories to new motor vehicles as are covered by such franchise if such vehicle, parts or accessory is publicly advertised as being available for delivery or is actually being delivered; provided, however, this provision is not violated if such failure is caused by acts of God, work stoppage or delays due to strikes or labor disputes, freight embargoes or other causes beyond the control of the manufacturer, distributor, or representative.

(3) Notwithstanding the terms of any franchise agreement, terminate or refuse to continue any franchise with a dealer unless (A) the dealer and the Commission have received written notice sixty days before the effective date thereof setting forth the specific grounds for termination or noncontinuance and (B) if the dealer files a protest with the Commission, it is established by a preponderance of evidence at a hearing called by the Commission that there is good cause for the termination or noncontinuance. The Commission shall consider all the existing circumstances in determining good cause, including without limitation the dealer's sales in relation to the market, the dealer's investment and obligations, injury to public welfare, adequacy of service facilities, equipment, parts and personnel of the dealer and other dealers of new motor vehicles of the same line-make, whether warranties are being honored, and compliance with the franchise agreement. Good cause shall not be shown solely by a desire for further market penetration. If a franchise is terminated or not continued, another franchise in the same line-make will be established within a reasonable time unless it is shown to the Commission that the community or trade area cannot reasonably support such a dealership. If this showing is made, no dealer license shall be thereafter issued in the same area unless a change in circumstances is shown.

(4) Use any false, deceptive or misleading advertising, as defined in Acts 1967, 60th Leg., Vol. 2, p. 2343, Ch. 785, §1, as amended (Section 17.12, Vernon's Texas Codes Annotated, Business & Commerce Code).

(5) Notwithstanding the terms of any franchise agreement, prevent any dealer from changing the capital structure of his dealership or the means by or through which he finances the operation thereof, provided that the dealer meets any reasonable capital requirements agreed to by contract of the parties.

(6) Notwithstanding the terms of any franchise agreement, fail to give effect to or attempt to prevent any sale or transfer of a dealer, dealership or franchise or interest therein or management thereof unless it is shown to the Commission after hearing that the result of such sale or transfer will be detrimental to the public or the representation of the manufacturer or distributor.

(7) Require or attempt to require that a dealer assign to or act as an agent for any manufacturer, distributor or representative in the securing of promissory notes and security agreements given in connection with the sale or purchase of new motor vehicles or the securing of policies of insurance on or having to do with the operation of vehicles sold.

(8) Fail, after complaint and hearing, to perform the obligations placed on the manufacturer in connection with the delivery, preparation and war-

ranty of a new motor vehicle as provided in the manufacturer's warranty, preparation, and delivery agreements on file with the Commission.

(9) Fail to compensate its dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations according to the agreements on file with the Commission which must be found by the Commission to be reasonable, or fail to adequately and fairly compensate its dealers for labor, parts and other expenses incurred by such dealer to perform under and comply with manufacturer's warranty agreements. In no event shall any manufacturer or distributor pay its dealers a labor rate per hour for warranty work that is less than that charged by the dealer to the retail customers of the dealer nor shall such labor rate be more than the retail rate. All claims made by dealers for compensation for delivery, preparation, and warranty work shall be paid within thirty days after approval and shall be approved or disapproved within thirty days after receipt. When any claim is disapproved, the dealer shall be notified in writing of the grounds for disapproval. The dealer's delivery, preparation, and warranty obligations as filed with the Commission shall constitute the dealer's sole responsibility for product liability as between the dealer and manufacturer.

(10) Operate as a manufacturer, distributor, or representative without a currently valid license from the Commission or otherwise violate this Act or rules promulgated by the Commission hereunder.

Subchapter F. Enforcement

Penalty

Section 6.01. Any person who violates any provision of this Act or any rule, regulation, or order of the Commission issued pursuant to this Act is subject to a civil penalty of not less than \$50.00 nor more than \$1,000.00 for each day of violation and for each act of violation, as the court may deem proper. All civil penalties recovered under this Act shall be paid to the General Revenue Fund of the State of Texas.

Injunction

Section 6.02. Whenever it appears that a person has violated or is violating or is threatening to violate any provision of this Act or of any rule, regulation, or order of the Commission issued pursuant to this Act then the Commission, or the executive director when authorized by the Commission, may cause a civil suit to be instituted in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation or for the assessment and recovery of the civil penalty provided in Section 6.01 above or for both injunctive relief and civil penalty.

Suit

Section 6.03. At the request of the Commission, or the executive director when authorized by the Commission, the Attorney General shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty or for both injunctive relief and penalty.

Venue

Section 6.04. A suit for injunctive relief or for recovery of a civil penalty or for both may be brought either in the county where the defendant resides or in the county where the violation or threat of violation occurs.

Bond

Section 6.05. In any suit to enjoin a violation or threat of violation of this Act or of any rule, regulation, license or order of the Commission, the court may grant the Commission, without bond or other undertaking, any prohibitory or mandatory injunction the facts may warrant, including temporary restraining orders after notice and hearing, temporary injunctions and permanent injunctions.

Subchapter G. Judicial Review**Appeal**

Section 7.01. (a) A person affected by any ruling, order, decision or other act of the Commission may appeal by filing a petition in a district court of Travis County, Texas.

(b) The petition must be filed within thirty days after the effective date of the Commission's action.

(c) Service of citation on the Commission must be accomplished within thirty days after the date the petition is filed. Citation may be served on the executive director.

(d) In an appeal of a Commission action, the issue is whether the action is invalid, arbitrary, or unreasonable.

Section 2. Nothing herein shall be construed to repeal or amend any provisions of Section 1, Chapter 30, Acts of the 58th Legislature, Regular Session, 1963 (Article 6686, Vernon's Annotated Civil Statutes of Texas).

Section 3. In case any one or more of the sections, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other sections, provisions, clauses, or words of this Act, or the application thereof to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, provision, clause, or word had not been included herein.

Section 4. The fact that authority is urgently required to regulate and license franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Hull offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to SB 140 by striking therefrom Section 1.03(7) and inserting in lieu thereof the following: "(7) 'Representative' means any person who is or acts as an agent, employee or representative of a manufacturer or distributor who performs any duties in this state relating to promoting the distribution and/or sale of new motor vehicles or contacts dealers in this state on behalf of a manufacturer or distributor," and by striking therefrom Section 5.02(1) and inserting in lieu thereof the following: "(1) Require or attempt to require any dealer to order, accept delivery of or pay anything of value, directly or indirectly, for any motor vehicle, appliance, part, accessory or any other commodity unless voluntarily ordered or contracted for by such dealer."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted.

Mr. Uher offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend SB 140 by striking all above the enacting clause and insert the following:

A bill to be entitled An Act relating to the creation, organization, powers, duties, and procedures of the Texas Motor Vehicle Commission; providing and establishing the requirements for the licensing of persons engaged in the business as franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives and the renewal of such licenses; providing fees for the issuance of licenses; providing grounds for refusal to license and revocation and suspension of licenses; providing certain prohibited acts on the part of franchise new motor vehicle dealers and new motor vehicle manufacturers and distributors and their representatives without regard to the terms of the franchise agreements between the parties; providing for suits for civil penalties and injunction for violation of the Act; providing for appeals from actions taken by the Commission; enacting other provisions relating to the subject; providing for severability of the Act; and declaring an emergency.

The committee amendment was adopted without objection.

SB 140, as amended, was passed to third reading.

Representative Santiesteban entered the House and was announced present.

SB 140 ON THIRD READING

Mr. Cobb moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 140 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112

Adams	Daniel	Johnson	Price
Allen, John	Davis, D.	Jungmichel	Rosson
Angly	Davis, H.	Kilpatrick	Salem
Atwell	Denton	Kost	Sanchez
Atwood	Doyle	Kubiak	Santiesteban
Baker	Dramberger	Lewis	Schulle
Beckham	Earthman	Lombardino	Semos
Bigham	Farenthold	Longoria	Short
Blanton	Finnell	Lovell	Silber
Blythe	Finney	McAlister	Simmons
Boyle	Foreman	McKissack	Slack
Braecklein	Garcia	Moncrief	Slider
Braun	Grant	Moore, A.	Smith
Burgess	Hale	Moore, G.	Solomon
Bynum	Hanna, Joe	Moore, T.	Spurlock
Caldwell	Harding	Murray	Swanson
Calhoun	Harris	Nabers	Tarbox
Carrillo	Hawkins	Nelms	Traeger
Cates	Haynes	Neugent, D.	Tupper
Cavness	Heatly	Newton	Uher
Christian	Hendricks	Nichols	Vale
Clark	Hilliard	Niland	Von Dohlen
Clayton	Holmes, T.	Ogg	Ward
Coats	Holmes, Z.	Orr	Wayne
Cobb	Howard	Parker, C.	Wieting
Cole	Hubenak	Parker, W.	Williams
Craddick	Hull	Poerner	Williamson
Cruz	Ingram	Presnal	Wyatt

Nays—27

Agnich	Finck	Jones, G.	Poff
Allen, Joe	Floyd	Kaster	Rodriguez
Allred	Gammage	Lee	Sherman
Bass, B.	Graves	Mengden	Stroud
Bass, T.	Head	Nugent, J.	Truan
Bowers	Jones, D.	Patterson	Wolff
Doran	Jones, E.	Pickens	

Absent

Hannah, John	Ligarde	Reed	Stewart
Lemmon	Moreno		

Absent-Excused

Golman	Hawn	Salter	Shannon
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The Speaker then laid SB 140 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—135

Adams	Denton	Jones, E.	Reed
Agnich	Doran	Jones, G.	Rodriguez
Allen, Joe	Doyle	Jungmichel	Rosson
Allen, John	Dramberger	Kaster	Salem
Allred	Earthman	Kilpatrick	Sanchez
Angly	Farenthold	Kost	Santiesteban
Atwood	Finck	Kubiak	Schulle
Baker	Finnell	Lee	Semos
Bass, B.	Finney	Lemmon	Sherman
Bass, T.	Floyd	Lewis	Short
Beckham	Foreman	Lombardino	Silber
Bigham	Gammage	Longoria	Simmons
Blanton	Garcia	Lovell	Slack
Boyle	Grant	McAlister	Slider
Braecklein	Graves	McKissack	Smith
Braun	Hale	Moncrief	Solomon
Burgess	Hanna, Joe	Moore, A.	Spurlock
Bynum	Hannah, John	Moore, G.	Stewart
Caldwell	Harding	Moore, T.	Stroud
Calhoun	Harris	Murray	Swanson
Carrillo	Hawkins	Nabers	Tarbox
Cates	Haynes	Nelms	Truan
Cavness	Head	Neugent, D.	Tupper
Christian	Heatly	Newton	Uher
Clark	Hendricks	Niland	Vale
Clayton	Hilliard	Nugent, J.	Von Dohlen
Coats	Holmes, T.	Ogg	Ward
Cobb	Holmes, Z.	Orr	Wayne
Cole	Howard	Parker, C.	Wieting
Craddick	Hubenak	Parker, W.	Williams
Cruz	Hull	Pickens	Williamson
Daniel	Ingram	Poerner	Wolff
Davis, D.	Johnson	Presnal	Wyatt
Davis, H.	Jones, D.	Price	

Nays—5

Blythe	Mengden	Poff	Traeger
Bowers			

Absent

Atwell	Moreno	Nichols	Patterson
Ligarde			

Absent-Excused

Golman	Hawn	Salter	Shannon
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Mr. Wayne moved to reconsider the vote by which SB 140 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 223 ON SECOND READING
(Mr. Heatly—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 223, A bill to be entitled An Act authorizing the transfer of funds currently appropriated to the State Securities Board; and declaring an emergency.

The bill was read second time and was passed to third reading.

Mr. Heatly moved to reconsider the vote by which SB 223 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to third reading of SB 223.

MOTION TO PLACE
SB 223 ON THIRD READING

Mr. Heatly moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 223 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—112

Adams	Craddick	Holmes, T.	Murray
Allen, John	Cruz	Howard	Nabers
Allred	Daniel	Hubenak	Nelms
Atwell	Davis, D.	Hull	Neugent, D.
Atwood	Davis, H.	Ingram	Newton
Baker	Doyle	Johnson	Niland
Beckham	Dramberger	Jones, D.	Ogg
Bigham	Finck	Jones, G.	Parker, C.
Blanton	Finnell	Jungmichel	Parker, W.
Boyle	Finney	Kaster	Pickens
Braecklein	Foreman	Kilpatrick	Poerner
Burgess	Garcia	Kost	Poff
Bynum	Grant	Lemmon	Presnal
Caldwell	Hale	Lewis	Price
Calhoun	Hanna, Joe	Lombardino	Rosson
Carrillo	Hannah, John	Longoria	Salem
Cates	Harding	Lovell	Sanchez
Cavness	Hawkins	McAlister	Santiesteban
Christian	Haynes	McKissack	Semos
Clark	Head	Moncrief	Sherman
Clayton	Heatly	Moore, A.	Short
Cobb	Hendricks	Moore, G.	Silber
Cole	Hilliard	Moore, T.	Simmons

Slack	Stroud	Tupper	Wayne
Slider	Swanson	Uher	Wieting
Smith	Tarbox	Vale	Williams
Solomon	Traeger	Von Dohlen	Williamson
Spurlock	Truan	Ward	Wyatt

Nays—30

Agnich	Coats	Harris	Nugent, J.
Allen, Joe	Denton	Holmes, Z.	Patterson
Angly	Doran	Jones, E.	Reed
Bass, B.	Earthman	Kubiak	Rodriguez
Bass, T.	Farenthold	Lee	Schulle
Blythe	Floyd	Mengden	Wolff
Bowers	Gammage	Moreno	
Braun	Graves	Nichols	

Absent

Ligarde	Orr	Stewart
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Absent-Excused

Golman	Hawn	Salter	Shannon
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HB 384 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 384, Allowing county commissioners court to set salaries of certain county officials.

The bill was read third time.

Mr. Grant Jones offered the following amendment to the bill:

Amend HB 384 in Section 3 by putting a period after the phrase, "by order of the Judge of that court." and striking the phrase:

" , provided that such salary shall be no lower than the salary on the effective date of this Act."

The amendment was adopted without objection.

Mr. Hale offered the following amendment to the bill:

Amend HB 384 by striking paragraph (4) of Section 7, and substituting in lieu thereof the following:

(4) Judges of all courts of record, all judges paid wholly by county funds, and all justices of the peace, excepting only the presiding judge of the County Commissioners Court.

The amendment was adopted without objection.

Mr. Pickens offered the following amendment to the bill:

Amend HB 384 Engrossed Copy by adding a new subsection in Section 7 to read as follows:

"(5) Nothing in this Act shall affect the provisions of Section 1, Chapter 319, Acts of the 57th Legislature, Regular Session, 1961 (Article 2326j-10 Vernon's Texas Civil Statutes) and HB 627 of the Acts of the 61st Regular Session, 1969 as in effect and as subsequently amended.

The amendment was adopted without objection.

Mr. Hawkins offered the following amendment to the bill:

Amend HB 384 by striking Subsection (b) of Section 2 and substituting the following:

(b) There is hereby created in each county in this state a board of compensation adjustment. The board shall be composed of five residents of the county appointed by the district judge or district judges having jurisdiction in the county. One member shall be appointed from each commissioners precinct and one member shall be appointed from the county at large. Each member holds office for a term of two years expiring December 31 of even-numbered years and until his successor is appointed and has qualified. Each member is entitled to a per diem set by the commissioners court, not to exceed \$25, for each day he attends a meeting of the board, not to exceed three days during any calendar year.

A record vote was requested.

The amendment failed of adoption by the following vote:

Yeas—66

Allen, Joe	Davis, D.	Jones, G.	Reed
Angly	Davis, H.	Kaster	Rodriguez
Atwood	Denton	Kilpatrick	Sanchez
Baker	Doyle	Kubiak	Santiesteban
Bass, T.	Earthman	Lee	Sherman
Beckham	Farenthold	Longoria	Smith
Bigham	Finney	Lovell	Spurlock
Blythe	Grant	Mengden	Stroud
Bowers	Graves	Moore, T.	Truan
Braun	Hale	Moreno	Tupper
Caldwell	Harris	Nelms	Vale
Cates	Hawkins	Nichols	Ward
Clark	Haynes	Niland	Williams
Cobb	Hendricks	Ogg	Williamson
Cole	Hilliard	Parker, C.	Wyatt
Cruz	Holmes, Z.	Poff	
Daniel	Hull	Price	

Nays—74

Adams	Blanton	Calhoun	Craddick
Allen, John	Boyle	Cavness	Doran
Allred	Braecklein	Christian	Finck
Atwell	Burgess	Clayton	Finnell
Bass, B.	Bynum	Coats	Floyd

Foreman	Jungmichel	Nugent, J.	Slack
Gammage	Kost	Orr	Slider
Garcia	Lemmon	Parker, W.	Solomon
Hannah, John	Lewis	Patterson	Stewart
Harding	Lombardino	Pickens	Swanson
Head	McAlister	Poerner	Tarbox
Heatly	McKissack	Presnal	Traeger
Holmes, T.	Moncrief	Rosson	Uher
Howard	Moore, A.	Salem	Von Dohlen
Hubenak	Moore, G.	Schulle	Wayne
Ingram	Murray	Semos	Wieting
Johnson	Nabers	Short	Wolff
Jones, D.	Neugent, D.	Silber	
Jones, E.	Newton	Simmons	

Present—Not Voting

Carrillo

Absent

Agnich	Dramberger	Hanna, Joe	Ligarde
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Absent-Excused

Golman	Hawn	Salter	Shannon
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Mr. Silber offered the following amendment to the bill:

Amend HB 384, Engrossed Copy, as follows:

Strike paragraph (b) Sec. 2. and substitute the following:

(b) There is hereby created in each county in this state a Board of Compensation Adjustment. Said board shall be composed of the county judge, the sheriff, the county clerk, the district clerk, the tax assessor-collector, the county treasurer, and the county or criminal district attorney. If one person holds more than one of these offices, he shall have only one vote.

Strike Sec. 9 and substitute the following:

Sec. 9. Effectiveness of Act. This act is effective for salaries, expenses and allowances paid beginning January 1, 1972; however, salaries, expenses, and allowances existing on the effective date of this Act shall be maintained until such salaries, expenses, and allowances have been set and ratified in accordance with Sec. 2.

The amendment failed of adoption.

A record vote was requested on passage of HB 384.

The vote of the House was taken on passage of HB 384, as amended, and the vote was announced Yeas 72, Nays 72 and 1 Present—Not Voting.

A verification of the vote was requested and was granted.

(Mr. Traeger in the Chair)

The roll of those voting Yea and Nay was again called and the verified voted resulted as follows:

Yeas—69

Mr. Speaker	Daniel	Jungmichel	Short
Adams	Davis, D.	Kaster	Silber
Allen, John	Davis, H.	Kost	Simmons
Allred	Doran	Lombardino	Slider
Atwell	Dramberger	McAlister	Solomon
Baker	Floyd	McKissack	Stewart
Bass, B.	Garcia	Moore, A.	Swanson
Beckham	Hanna, Joe	Murray	Traeger
Blanton	Hannah, John	Neugent, D.	Uher
Burgess	Harding	Newton	Von Dohlen
Bynum	Head	Niland	Wayne
Calhoun	Hendricks	Parker, W.	Wieting
Cates	Holmes, T.	Pickens	Williamson
Cavness	Hubenak	Poff	Wolff
Christian	Ingram	Presnal	Wyatt
Clayton	Johnson	Sanchez	
Coats	Jones, D.	Schulle	
Cobb	Jones, G.	Semos	

Nays—68

Agnich	Earthman	Kubiak	Poerner
Allen, Joe	Finnell	Lee	Reed
Angly	Finney	Lemmon	Rodriguez
Atwood	Foreman	Lewis	Rosson
Bass, T.	Gammage	Longoria	Salem
Bigham	Grant	Lovell	Santiesteban
Blythe	Graves	Mengden	Sherman
Bowers	Hale	Moncrief	Slack
Boyle	Harris	Moore, T.	Smith
Braecklein	Hawkins	Moreno	Spurlock
Braun	Haynes	Nabers	Stroud
Caldwell	Heatly	Nelms	Tarbox
Clark	Hilliard	Nichols	Truan
Craddick	Holmes, Z.	Nugent, J.	Tupper
Cruz	Hull	Orr	Vale
Denton	Jones, E.	Parker, C.	Ward
Doyle	Kilpatrick	Patterson	Williams

Present—Not Voting

Carrillo

Absent

Cole	Finck	Ligarde	Ogg
Farenthold	Howard	Moore, G.	Price

Absent-Excused

Golman	Hawn	Salter	Shannon
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The Chair stated that HB 384 failed to pass by a vote of Yeas 69, Nays 69.

(An error was made in computing the verified vote and therefore the announced vote was incorrect.)

Mr. Heatly moved to reconsider the vote by which HB 384 failed to pass.

(Speaker in the Chair)

A record vote was requested.

The motion to reconsider prevailed by the following vote:

Yeas—75

Adams	Davis, H.	Kost	Sanchez
Allen, John	Doran	Lemmon	Schulle
Atwell	Dramberger	Lombardino	Semos
Baker	Foreman	McKissack	Short
Bass, B.	Garcia	Moore, A.	Silber
Beckham	Hanna, Joe	Moore, G.	Slider
Blanton	Hannah, John	Murray	Solomon
Burgess	Harding	Nabers	Stewart
Bynum	Head	Neugent, D.	Swanson
Calhoun	Heatly	Newton	Tarbox
Cates	Hendricks	Niland	Traeger
Cavness	Holmes, T.	Nugent, J.	Uher
Christian	Hubenak	Ogg	Von Dohlen
Clayton	Ingram	Parker, W.	Wayne
Coats	Johnson	Pickens	Wieting
Cobb	Jones, D.	Poff	Williamson
Cole	Jones, G.	Presnal	Wolff
Daniel	Jungmichel	Rosson	Wyatt
Davis, D.	Kaster	Salem	

Nays—63

Agnich	Doyle	Kilpatrick	Poerner
Allen, Joe	Earthman	Kubiak	Reed
Angly	Finnell	Lee	Rodriguez
Atwood	Finney	Lewis	Santiesteban
Bass, T.	Floyd	Ligarde	Sherman
Bigham	Gammage	Longoria	Simmons
Blythe	Grant	Lovell	Slack
Bowers	Graves	Mengden	Smith
Boyle	Hale	Moncrief	Spurlock
Braecklein	Harris	Moore, T.	Stroud
Braun	Hawkins	Moreno	Truan
Caldwell	Haynes	Nelms	Tupper
Clark	Hilliard	Nichols	Vale
Craddick	Holmes, Z.	Orr	Ward
Cruz	Hull	Parker, C.	Williams
Denton	Jones, E.	Patterson	

Present—Not Voting

Carrillo

Absent

Allred McAlister

Absent-Excused

Farenthold	Golman	Howard	Salter
Finck	Hawn	Price	Shannon

REASON FOR VOTES

The undersigned voted to reconsider the vote by which HB 384 failed to pass in order to further give the sponsor an opportunity to attempt by Senate amendments to carry out the original intent of such bill.

Signed: Renal B. Rosson and Elmer Tarbox

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for the remainder of today on account of important business:

Mr. Finck on motion of Mr. Pickens.

Mrs. Farenthold, temporarily, on motion of Mr. Truan.

Mr. Howard on motion of Representatives D. Davis, Cates, and Bynum.

Mr. Price on motion of Representatives D. Davis, Cates, and Bynum.

HB 384—(Consideration continued)

HB 384, as amended, was passed by the following vote:

Yeas—75

Adams	Davis, D.	Kaster	Schulle
Allen, John	Davis, H.	Kost	Semos
Allred	Doran	Lombardino	Short
Atwell	Dramberger	Lovell	Silber
Baker	Floyd	McAlister	Simmons
Bass, B.	Garcia	McKissack	Slider
Beckham	Hanna, Joe	Moore, A.	Solomon
Blanton	Hannah, John	Moore, G.	Stewart
Burgess	Harding	Murray	Swanson
Bynum	Hawkins	Neugent, D.	Tarbox
Calhoun	Head	Newton	Traeger
Cates	Hendricks	Niland	Uher
Cavness	Holmes, T.	Parker, W.	Von Dohlen
Christian	Hubenak	Pickens	Wayne
Clayton	Ingram	Poff	Wieting
Coats	Johnson	Presnal	Williamson
Cobb	Jones, D.	Rosson	Wolff
Cole	Jones, G.	Salem	Wyatt
Daniel	Jungmichel	Sanchez	

Nays—64

Agnich	Doyle	Kubiak	Parker, C.
Allen, Joe	Earthman	Lee	Patterson
Angly	Finnell	Lemmon	Poerner
Atwood	Finney	Lewis	Reed
Bass, T.	Foreman	Ligarde	Rodriguez
Bigham	Gammage	Longoria	Santiesteban
Blythe	Grant	Mengden	Sherman
Bowers	Graves	Moncrief	Slack
Boyle	Hale	Moore, T.	Smith
Braecklein	Harris	Moreno	Spurlock
Braun	Haynes	Nabers	Stroud
Caldwell	Hilliard	Nelms	Truan
Clark	Holmes, Z.	Nichols	Tupper
Craddick	Hull	Nugent, J.	Vale
Cruz	Jones, E.	Ogg	Ward
Denton	Kilpatrick	Orr	Williams

Present—Not Voting

Carrillo

Absent

Heatly

Absent-Excused

Farenthold	Golman	Howard	Salter
Finck	Hawn	Price	Shannon

REASON FOR VOTES ON HB 384

I voted Present—Not Voting on all votes on HB 384 because of a conflict of interest.

Signed: Oscar Carrillo, Sr.

Mr. Adams moved to reconsider the vote by which HB 384 was passed and to table the motion to reconsider.

The motion to table prevailed.

Representative Farenthold entered the House and was announced present.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 286, by Graves, Gammage, and Tom Bass: Commending students of Jack Yates High School, Houston, Texas.

On motion of Mr. Gammage the names of all the Members of the House were added to the resolution as signers thereof.

HB 32 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 32, Establishing maximum speeds for motorcycles and motor-driven cycles.

The bill was read third time and was passed by the following vote:

Yeas—132

Adams	Daniel	Jones, E.	Poerner
Agnich	Davis, D.	Jones, G.	Poff
Allen, Joe	Davis, H.	Jungmichel	Presnal
Allen, John	Denton	Kaster	Reed
Allred	Doran	Kilpatrick	Rodriguez
Angly	Doyle	Kost	Rosson
Atwell	Dramberger	Kubiak	Salem
Baker	Earthman	Lee	Sanchez
Bass, B.	Farenthold	Lemmon	Santiesteban
Bass, T.	Finnell	Lewis	Schulle
Beckham	Finney	Ligarde	Semos
Bigham	Floyd	Lombardino	Sherman
Blanton	Foreman	Longoria	Silber
Blythe	Gammage	Lovell	Slack
Bowers	Garcia	McAlister	Slider
Boyle	Grant	McKissack	Smith
Braecklein	Graves	Mengden	Solomon
Braun	Hale	Moncrief	Spurlock
Burgess	Hanna, Joe	Moore, A.	Stewart
Bynum	Hannah, John	Moore, G.	Stroud
Caldwell	Harding	Moreno	Swanson
Calhoun	Harris	Murray	Tarbox
Carrillo	Hawkins	Nabers	Traeger
Cates	Haynes	Nelms	Truan
Cavness	Head	Neugent, D.	Tupper
Christian	Hendricks	Newton	Uher
Clark	Hilliard	Nichols	Vale
Clayton	Holmes, T.	Niland	Ward
Coats	Holmes, Z.	Nugent, J.	Wayne
Cobb	Hubenak	Orr	Wieting
Cole	Hull	Parker, C.	Williams
Craddick	Ingram	Parker, W.	Wolff
Cruz	Jones, D.	Pickens	Wyatt

Nays—9

Atwood	Ogg	Short	Von Dohlen
Heatly	Patterson	Simmons	Williamson
Moore, T.			

Absent

Johnson

Absent-Excused

Finck
GolmanHawn
HowardPrice
Salter

Shannon

ADDRESS BY THE HONORABLE REX BRAUN

On motion of Mr. Harris, the following remarks by Mr. Braun made in addressing the House on personal privilege on today were ordered printed in the Journal:

Governor Preston Smith announced Thursday his full support of the Environmental Protection Act of 1971, which is presently being studied by the House Committee on State Affairs.

This legislation, HB 56, would provide every Texas citizen with a legal remedy for pollution.

The Governor said, "We have over the past several months received an unprecedented amount of correspondence from Texas citizens concerned about the problems of pollution and the protection of our environment.

"It is most significant to me that there appears to be a growing feeling among Texans that they are powerless to do anything about their environment. This feeling, particularly regarding environmental matters, was borne out in a recent survey conducted by the Dallas Morning News.

"Although certain steps have been taken by state government to combat pollution, to protect the environment, and to restore some of the natural beauties of our state which we have already allowed to be destroyed, we have not been doing enough.

"Several times over the past two years I have officially called for an end to the practice of regulation by wrist-slapping where polluters are involved. This has, to a great extent, been accomplished under the able leadership we have selected for our regulatory agencies which deal with environmental matters.

"Yet, our people still see smoke billowing out of industrial plants. They see half-treated sewerage and poisonous chemicals dumped wantonly into our streams. Indeed, they notice all the things that need to be done, rather than the things that have already been done to preserve and protect our bountiful Texas environment.

"These concerned citizens often legitimately ask what they can do to help protect the environment and fight pollution. Too frequently, the only response that any state official can give is that there is really very little which can be done except for individual action at the personal level, such as refraining from littering and encouraging recycling of waste.

"Frankly, it concerns me greatly that state government has not been able to move more quickly and decisively to end pollution and the destruction of our environment.

"The Environmental Protection Act of 1971, which I heartily endorse and support, would help to accomplish two vitally needed ends. First, it would provide every citizen of our state with a meaningful course of action and

legal remedy to help protect the environment. Under the terms of the act, the Attorney General, any political subdivision, any person or any legal entity may institute legal action for declaratory and equitable relief against any other legal entity for the protection of the environment.

"In other words, any person could file suit against any defendant who has harmed, or is likely to harm, the environment; and, the court would be empowered to grant temporary or permanent relief or impose conditions on the defendant in order to protect the environment.

"In addition to providing every citizen with the opportunity to actually do something positive to preserve the environment, I sincerely believe that the Environmental Protection Act of 1971 would serve to speed up our efforts to end pollution at every level.

"This measure would declare the air, water and natural resources of Texas to be a public trust which everyone must respect and protect.

"For these reasons, I would encourage a favorable committee report on this bill and swift passage by both Houses of the Texas Legislature.

"I sincerely believe that it is one of the most important pieces of legislation that will be considered during the 62nd Texas Legislature—important to the present and the future of our state and all our people."

I concur in these remarks made by the Governor.

PROVIDING FOR ADJOURNMENT

Mr. Graves moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the House adjourn until 11:00 a.m. next Monday.

The motion prevailed without objection.

HSR 272—REFERRED TO COMMITTEE

(Creating an interim committee to study the rapid multiplication of water districts)

Mr. Blythe offered the following resolution:

HSR 272

Whereas, Water districts of all varieties have greatly multiplied in Texas in the last twenty years, especially in the large metropolitan areas such as Harris County; and

Whereas, Taxpaying citizens bear the increasingly onerous burden of paying off water district bonds of well over one hundred million dollars in one particular county; and

Whereas, It has been noted by knowledgeable authorities that cities or towns in which water districts were to be located could, in a more effective manner, install such water districts in a much less expensive manner than said water districts could borrow money to perform this task; and

Whereas, Legislation providing for said water districts is consistently introduced by only two or three legislators from any particular urban area; and

Whereas, It is not unusual for large amounts of bonds to be issued with the approval of an unbelievably small number of voters; therefore, be it

Resolved, That the House of Representatives appoint an Interim Study Committee to perform the following: (1) to discover and consider the reasons for the rapid multiplication of water districts in Texas, especially in the large metropolitan areas; (2) to find and recommend the most economical manner in which water districts may be installed; and (3) to recommend any other remedial measures which would result in the amelioration of the distribution and economic installation of water districts.

The resolution was referred to the Committee on Resolutions and Interim Activities.

HSR 273—REFERRED TO COMMITTEE

(Creating an interim committee to conduct a study of shell dredging)

Mr. Blythe offered the following resolution:

HSR 273

Whereas, Thousands of Texas sportsmen, conservationists, and coastal residents are vitally concerned about the harmful effects of shell dredging on live oyster reefs in the coastal waters of this state; and

Whereas, The present rate of shell dredging is seriously threatening the tourist industry, commerce, sport fishing, oystering, and other aspects of natural resources, all of which need to be carefully protected; and

Whereas, A carefully conducted comprehensive study is essential to determine the precise effects of shell dredging upon the several aforementioned activities in the bays and coastal waters of this state; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That an Interim Study Committee be established immediately to conduct a thorough study of the effects of shell dredging on the oyster life and oyster reefs and beds in the coastal waters of this state; and, be it further

Resolved, That the same Interim Study Committee shall make findings and recommendations as to what remedial and protective measures should be made to ameliorate the shell dredging situation, and report these findings and recommendations to the House of Representatives.

The resolution was referred to the Committee on Resolutions and Interim Activities.

SCR 64—REFERRED TO COMMITTEE

(Creating a Joint Bicentennial Study Committee)

The Speaker laid before the House the following resolution:

SCR 64

Whereas, We are approaching the Bicentennial Celebration of the Independence of the United States; and

Whereas, This is an event to which every State in the Union ought to contribute; and

Whereas, An American Revolution Bicentennial Commission has been created by the United States Government and has called upon the American people to use this occasion for the purpose, among others, of re-examining the founding principles which have sustained our way of life; and

Whereas, The Governor, pursuant to this call, has acted to establish an American Revolution Bicentennial Commission for Texas; and

Whereas, This is an appropriate period in which to take stock of two centuries of national experience as an independent democratic nation, of the experience of Texas, and of peoples abroad who have sought to live under government by consent of the people; and to examine the problems and possibilities which we and others face now and in the years ahead; and

Whereas, The University of Texas at Austin is considering a five year program which would engage the best minds and talents of Texas—its educational and other relevant institutions—in such an enterprise, and involve men and women of experience from throughout the United States and other parts of the world; now, therefore, be it

Resolved by the Senate of the 62nd Legislature, the House of Representatives concurring, That the Lieutenant Governor shall be authorized to appoint five Members of the Senate and that the Speaker of the House of Representatives shall be authorized to appoint five Members of the House of Representatives to a joint committee to be known as the Bicentennial Study Committee to assist The University of Texas, the Governor's Bicentennial Commission and other interested groups in this important project so that Texas can make a significant contribution to the National Bicentennial celebration; and, be it further

Resolved, That the Bicentennial Study Committee report its finding and recommendations to the 62nd Legislature.

The resolution was referred to the Committee on Resolutions and Interim Activities.

SCR 65—REFERRED TO COMMITTEE

(Proposing an Amendment to the Constitution of the United States)

The Speaker laid before the House the following resolution:

SCR 65

Ratifying the proposed Amendment to the Constitution of the United States extending the right to vote to persons who are 18 years of age or older.

Preamble

Whereas, The Ninety-second Congress of the United States has adopted the following joint resolution proposing an Amendment to the Constitution of the United States:

Joint Resolution proposing an Amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an Amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

Article —

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation; now, therefore, be it

Resolved by the Legislature of the State of Texas, the Senate and the House of Representatives concurring:

Section 1. That the Legislature of the State of Texas ratifies this proposed Amendment to the Constitution of the United States.

Sec. 2. That the Secretary of State of the State of Texas shall notify the Administrator of General Services of the United States and each Senator and Representative from Texas in the Congress of the United States of this action of the Legislature by forwarding to each of them a certified copy of this Concurrent Resolution.

The resolution was referred to the Committee on Resolutions and Interim Activities.

MASCOT RESOLUTION

The following Mascot Resolution was referred to the Committee on House Administration:

HSR 285, by Williamson: Naming Mary King Christian Mascot of the House.

SENATE BILLS ON FIRST READING

The following Senate Bills were today laid before the House, read first time and referred to Committees, as follows:

SB 288 to the Committee on Conservation and Reclamation.

SB 387 to the Committee on Public Health.

SB 392 to the Committee on Criminal Jurisprudence.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution was today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Reed:

HJR 90, A Joint Resolution ratifying the proposed Amendment to the Constitution of the United States extending the right to vote to persons who are 18 years of age or older.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Cruz:

HB 1476, A bill to be entitled An Act relating to microfilming, to retention of records by counties, and to supervision of microfilm quality; amending Article 1941, Revised Civil Statutes of Texas, 1925; repealing all laws or parts of laws, in conflict to the extent of conflict; providing for all severability; and declaring an emergency.

Referred to Committee on Judiciary.

By Cruz:

HB 1477, A bill to be entitled An Act establishing a Public Records Commission of Texas to supervise and control microfilm recording of public records in Texas; amending Article 6574, Revised Civil Statutes of Texas, 1925, repealing all laws, or parts of laws, in conflict to the extent of conflict; providing for severability; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Uher:

HB 1478, A bill to be entitled An Act amending Section (7), Article 4.01, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-4.01, Vernon's Texas Civil Statutes), relating to authorized charges under installment loans; and declaring an emergency.

Referred to Committee on Banks and Banking.

(Mr. Calhoun in the Chair)

By H. Davis:

HB 1479, A bill to be entitled An Act relating to the appointment and compensation of the official shorthand reporters of the District Courts of Travis County; amending Section 1, Chapter 394, Acts of the 60th Leg-

islature, Regular Session, 1967 (Article 2326j-3a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By Heatly:

HB 1480, A bill to be entitled An Act entitled the Texas Budget Act; creating a State Budget Commission; creating the office of State Budget Director; providing an orderly procedure for the preparation of the state budget; assistance in adopting the budget through the appropriation process and an effective means for the execution of the budget; defining the powers and duties of the State Budget Commission, the Governor, the State Budget Director and state agencies in the preparation, adoption and execution of the state budget; defining certain duties of the Comptroller and the State Auditor; repealing certain Acts; providing a severability clause; and declaring an emergency,

Referred to Committee on Appropriations.

By Hendricks:

HB 1481, A bill to be entitled An Act changing the name of the Texas Highway Patrol to Texas State Troopers; amending Section 12, Chapter 181, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 4413(12), Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Sherman:

HB 1482, A bill to be entitled An Act relating to the regulation of the fitting and dispensing of hearing aids and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; amending Subsections (a), (b), (e), (f), and (i), Section 12, and Subsection (a), Section 13, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Articles 4566-1.12 and 4566-1.13, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Salter:

HB 1483, A bill to be entitled An Act amending the Texas Education Code by adding a Section 51.074; permitting boards of trustees of public junior colleges to exempt residents of the college district from payment of tuition to conform with provisions of Sections 1-7, Title I, 64 Stat. 1100, as amended, 20 U.S.C. Secs. 236-241-1; and declaring an emergency.

Referred to Committee on Higher Education.

By Slider:

HB 1484, A bill to be entitled An Act authorizing the seizure of any weapon, ammunition, paraphernalia or device used for killing any wild game birds, wild fowl or wild game animals in violation of the game laws (Title 13, Chapter 6, Vernon's Texas Penal Code), for evidence and sale;

providing a penalty for refusal to surrender such items; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Slider:

HB 1485, A bill to be entitled An Act adding Parks and Wildlife Department vehicles to those of state agencies exempt from inscription requirements; amending Chapter 59, Acts of the 37th Legislature, 1921 (Article 821, Vernon's Texas Penal Code) as amended; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

HB 1486 was withdrawn.

By Blanton:

HB 1487, A bill to be entitled An Act relating to the licensing and regulation of electricians and electrical inspectors; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Stroud:

HB 1488, A bill to be entitled An Act relating to the time and method of making nominations for offices which are filled by election; the time of holding and the method of administering, conducting, and financing primary elections; nominations made by other methods, including nominations for city offices; the organization, officers, conventions, and other affairs of political parties; and related matters; and declaring an emergency.

Referred to Committee on Elections.

By Slider:

HB 1489, A bill to be entitled An Act adding a provision making the possession of an illegally killed game bird or game animal a violation; amending Section 7, Chapter 172, Acts of the 39th Legislature, 1925 (Article 873, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By McKissack:

HB 1490, A bill to be entitled An Act relating to the authority of the principal of any public school to suspend class activity under certain circumstances; and declaring an emergency.

Referred to Committee on Public Education.

By Clayton:

HB 1491, A bill to be entitled An Act authorizing further issuance of Two Hundred Million Dollars (\$200,000,000) in Texas Water Development Bonds; providing for the use of the proceeds from the sale of such bonds;

amending Section 4 of Chapter 425, Acts of the 55th Legislature, Regular Session, 1955, as last amended by Chapter 126, Acts of the 61st Legislature, Regular Session, 1969, as codified in Article 8280-9, Section 4 of Vernon's Texas Civil Statutes; increasing the amount of the Texas Water Development Fund; and declaring an emergency.

Referred to Committee on State Affairs.

By Clayton:

HB 1492, A bill to be entitled An Act amending Section 15 of Chapter 425, Acts of the 55th Legislature, Regular Session, 1955, as last amended by Chapter 126, Acts of the 61st Legislature, Regular Session, 1969, so as to remove the Thirty Million Dollar limitation on the purchase by the Texas Water Development Board of bonds or other securities of a political subdivision; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Clayton:

HB 1493, A bill to be entitled An Act creating uniform procedures for branding of livestock; requiring registration of brands with a state agency which must keep the records of registration on file in a place accessible to the public; requiring that a registered brand under this Act shall duly constitute ownership or identification throughout the state; and declaring an emergency.

Referred to Committee on Livestock.

By B. Bass and John Hannah:

HB 1494, A bill to be entitled An Act relating to the issuance of a bad check or similar sight order for the payment of money; amending Sections 1-3, Chapter 17, page 246, Acts of the 46th Legislature, 1939, as amended (Article 567b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Blythe:

HB 1495, A bill to be entitled An Act relating to the terms of school trustees in certain independent school districts; amending Sections 1 and 3, Chapter 339, Acts of the 52nd Legislature, 1951, as amended (Article 2774b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on School Districts.

By Sanchez:

HB 1496, A bill to be entitled An Act deleting exemptions of persons not required to purchase hunting licenses; amending Sections 1 and 8, Chapter 370, Acts of the 55th Legislature, Regular Session, 1957 (Article 895c, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Sanchez:

HB 1497, A bill to be entitled An Act providing restrictions on government approval of projects requiring use or taking of park, recreational area, scientific area, wildlife refuge or historic site; prescribing public hearing, notice and findings; providing that provisions of Act do not constitute a mandatory prohibition against use of area; providing for judicial review within thirty (30) days; repealing Chapter 276, Acts of the 61st Legislature, 1969 (Article 5421q, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Sanchez:

HB 1498, A bill to be entitled An Act prohibiting a person to kill, wound, shoot at or hunt wild animals, birds or fowl in state parks, forts or historic sites under Parks and Wildlife Department jurisdiction; providing a penalty; authorizing enforcement by game wardens, commissioned departmental employees and peace officers; authorizing arrest without warrant; providing management of aquatic and wildlife resources by the Parks and Wildlife service charged with wildlife management; authorizing Commission to set open season for hunting at state parks, forts or historic sites under certain conditions; authorizing issuance of permits; requiring a permit fee, to be deposited to the State Parks Fund; providing no hunting between the first day of March and the last day of October each year and season not exceeding three days; repealing Chapter 454, Acts of the 47th Legislature, Regular Session, 1941 (codified in Article 978j, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Rodriguez:

HB 1499, A bill to be entitled An Act relating to referendum elections for fixing salaries of Members of the Legislature, making the holding of the first election contingent on the submission of a Constitutional Amendment; making the effectiveness of the first election and the provisions for the holding of subsequent elections contingent on the adoption of the Constitutional Amendment; and declaring an emergency.

Referred to Committee on State Affairs.

By Rodriguez:

HB 1500, A bill to be entitled An Act relating to referendum elections for fixing salaries of Members of the Legislature, making the holding of the first election contingent on the submission of a Constitutional Amendment; making the effectiveness of the first election and the provisions for the holding of subsequent elections contingent on the adoption of the Constitutional Amendment; and declaring an emergency.

Referred to Committee on State Affairs.

By Rodriguez, Atwood, Truan, Z. Holmes, Harris, Braun, Farenthold, Ligarde, Moreno, Sanchez, Carrillo, Santiesteban, and Garcia:

HB 1501, A bill to be entitled An Act requiring certain subdividers of land to file plats in the county in which the land is located; providing

procedures which must be followed and standards which the tracts must meet; providing sanctions and injunctive relief; and declaring an emergency.

Referred to Committee on Counties.

By Rodriguez:

HB 1502, A bill to be entitled An Act relating to making the diesel fuel tax law and the liquefied gas tax law applicable to all sales and uses of diesel fuel and liquefied gas, except uses by the United States; providing allocations of nonhighway fuel and gas use receipts; amending Subdivision (8) of Article 10.02, Sections (1), (3), (4), (5), and (6) of Article 10.03, Article 10.06, Section (1) of Article 10.09, Section (1) of Article 10.11, Section (1) of Article 10.13, Section (1) of Article 10.14, Article 10.22, Subdivisions (7) and (8) of Article 10.52, Sections (1), (3), (4), (5), and (6) of Article 10.53, Article 10.56, Section (1) of Article 10.59, Section (1) of Article 10.61, Section (1) of Article 10.63, Section (1) of Article 10.64, and Article 10.72, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; repealing Section (3) of Article 10.14 and Section (8) of Article 10.53, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Rodriguez:

HB 1503, A bill to be entitled An Act relating to procedures and practices of credit rating bureaus; providing penalties; and declaring an emergency.

Referred to Committee on State Affairs.

By Rodriguez:

HB 1504, A bill to be entitled An Act relating to submission of false credit information to a credit rating bureau; providing penalties; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Rodriguez:

HB 1505, A bill to be entitled An Act relating to liability for failure to answer inquiries into the status of an account; and declaring an emergency.

Referred to Committee on Judiciary.

By Rodriguez:

HB 1506, A bill to be entitled An Act relating to certification of persons owning or employed by an establishment authorized to sell mixed beverages; adding a Section 3b to Article I, Texas Liquor Control Act, as amended (Articles 666-1 through 666-57, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Liquor Regulation.

By Rodriguez:

HB 1507, A bill to be entitled An Act relating to the protection of the rights of free choice and secrecy in voting and prescribing a penalty for certain acts inimical to those rights; amending Title 6, Penal Code of Texas, 1925, by adding Article 256a; and declaring an emergency.

Referred to Committee on Elections.

By Rodriguez, Bigham, Truan, Denton, Atwood, Kaster, Coats, Kubiak, and Sanchez:

HB 1508, A bill to be entitled An Act relating to the use of boat registration fees collected under the Texas Water Safety Act; amending Subsection (c), Section 26 and Section 28, Texas Water Safety Act, as amended (Article 1722a, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Rodriguez:

HB 1509, A bill to be entitled An Act providing certain exemptions from the requirement of protective headgear for operators and passengers of motorcycles; amending Section 2, Chapter 329, Acts of the 60th Legislature, 1967 (Article 6701c-3, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By Rodriguez:

HB 1510, A bill to be entitled An Act relating to the placing of serial numbers on motorcycles and their engines; providing penalties; and declaring an emergency.

Referred to Committee on Highways and Roads.

By Rodriguez:

HB 1511, A bill to be entitled An Act providing that protective headgear worn by motorcyclists shall have a removable inner lining; amending Section 3, Chapter 329, Acts of the 60th Legislature, Regular Session, 1967 (Article 6701c-3, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By Blythe:

HB 1512, A bill to be entitled An Act relating to the suspension of operator's, commercial operator's and chauffeur's licenses; amending Chapter 173, Acts of the 47th Legislature, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), by amending Section 23 and adding Section 24B; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Atwood:

HB 1513, A bill to be entitled An Act amending Subsection (2), Section 1, Article III, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2922-13, Vernon's Texas Civil Statutes), to limit Foundation School Program costs; and declaring an emergency.

Referred to Committee on Public Education.

By Atwood:

HB 1514, A bill to be entitled An Act amending Subsection (4)a, Section 1, Article III, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2922-13, Vernon's Texas Civil Statutes), to limit Foundation School Program costs; and declaring an emergency.

Referred to Committee on Public Education.

By Shannon and Hull:

HB 1515, A bill to be entitled An Act authorizing the Board of Regents of the University of Texas System to establish, maintain, and operate System Nursing Schools as branches of The University of Texas Nursing School (System-wide); providing for severability; repealing all laws in conflict; and declaring an emergency.

Referred to Committee on Higher Education.

By Hull:

HB 1516, A bill to be entitled An Act amending Article 9.25, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, changing the designated use of certain revenue allocated to the State Highway Fund; repealing Subsection (4-b), Article XX, Acts of the 47th Legislature, Regular Session, 1941, as added by Section 1, Chapter 51, Acts of the 51st Legislature, Regular Session, 1949, as amended, removing required allocations to the Farm-to-Market Road Fund and required expenditures for new Farm-to-Market Road construction; providing for permissive use of State Highway funds for Farm-to-Market Road construction; transferring funds from the Farm-to-Market Road Fund to the State Highway Fund; and declaring an emergency.

Referred to Committee on Appropriations.

By Atwell:

HB 1517, A bill to be entitled An Act amending Title 122A, Taxation-General, Chapter 7, V.A.T.S., defining vending machine exhibitor and fixing an excise tax therefor; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Atwell:

HB 1518, A bill to be entitled An Act relating to the requirements for holding public hearings under the Uniform Wildlife Regulatory Act; amending Section 7, Chapter 730, Acts of the 60th Legislature, Regular

Session, 1967 (Article 978j-1, Vernon's Texas Penal Code), as amended; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Atwell:

HB 1519, A bill to be entitled An Act to be known as "The Restoration of Fish and Aquatic Life to Texas Waters Act;" reciting purpose; defining terms; providing recovery for destruction of fish or aquatic life from persons found guilty of unlawful discharge of wastes or sewage; requiring certified statement from the Parks and Wildlife Department; authorizing promulgation of rules; limiting recovery from each defendant; authorizing deposit of funds to the Special Game and Fish Fund; providing cumulative provisions; and declaring an emergency.

Referred to Committee on State Affairs.

By Atwell:

HB 1520, A bill to be entitled An Act authorizing the Board of Control to take bids on contracts to remove rough fish from public fresh waters as requested by the Parks and Wildlife Department; amending Section 1, Chapter 422, Acts of the 51st Legislature, 1949, (Article 4050c, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Atwell:

HB 1521, A bill to be entitled An Act authorizing the Parks and Wildlife Commission to promulgate rules governing health, safety and protection of persons and property within state parks, historic sites, scientific areas and forts; requiring a public hearing after due notice; requiring the posting of rules in said state parks, historic sites, scientific areas and forts; providing penalties; calling for enforcement by peace officers and duly constituted departmental employees; requiring revenue collected be deposited in State Park Fund; providing no rule promulgated repeal or amend existing penal statutes; providing for severability; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Atwell:

HB 1522, A bill to be entitled An Act authorizing the Governor to appoint a citizen to serve as administrative head of state and local assistance programs under the Land and Water Conservation Fund Act of 1965, as amended; authorizing such officer to coordinate Federal assistance with Director of the Bureau of Outdoor Recreation; authorizing the State Liaison Officer to appoint a Deputy State Liaison Officer; providing for provisions of this section to control over other sections; amending Chapter 112, Acts of the 59th Legislature, 1965, (Article 6081r, Vernon's Texas Civil Statutes), adding a Section 1-A; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

By Joe Hanna:

HB 1523, A bill to be entitled An Act relating to requiring all foreign corporations doing business in the state to maintain in this state a registered stock transfer agent; amending Section A of Article 8.05 and Articles 8.08, 8.09, and 8.16, Texas Business Corporation Act, as amended; and declaring an emergency.

Referred to Committee on Judiciary.

By Bynum:

HB 1524, A bill to be entitled An Act creating clean air districts for the purpose of facilitating the removing and diminishing of air pollution; prescribing the organization, powers and duties of such districts; conferring powers for issuance of bonds payable from revenues; providing a severability clause; and declaring an emergency.

Referred to Committee on State Affairs.

By Hale:

HB 1525, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law No. 1, the County Court at Law No. 2, and the Court of Domestic Relations, all of Nueces County, Texas; prescribing the authorities and jurisdiction of each and making adjustments in such jurisdiction in certain legal categories; redefining the jurisdiction of said courts and making provisions for the organization and procedure therein; increasing the compensation of the judges of said courts; providing for severability; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Referred to Committee on Judiciary.

By E. Jones:

HB 1526, A bill to be entitled An Act relating to loans by state banks secured by certain corporate securities; amending Subchapter V, Texas Banking Code of 1943, as amended (Article 342-501, et seq., Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Banks and Banking.

By Slack:

HB 1527, A bill to be entitled An Act relating to the location, operation, and maintenance of The University of Texas of the Permian Basin; amending Sections 1, 2, and 4 of Chapter 459, Acts of the 61st Legislature, Regular Session, 1969 (Article 2606c-4, Vernon's Texas Civil Statutes); providing for severability; repealing laws in conflict; and declaring an emergency.

Referred to Committee on State Affairs.

By Pickens:

HB 1528, A bill to be entitled An Act authorizing the Board of Regents

of The University of Texas System to contract with any political subdivisions of the State of Texas located in Ector County for the construction and operation of athletic, recreational, cultural and/or civic facilities on land owned by or for the benefit of The University of Texas of the Permian Basin and authorizing the Board of Regents of The University of Texas System to contract with any entity for the construction and operation of utility plants, student housing, student/staff service facilities and facilities related to the foregoing on land owned by or for the benefit of The University of Texas of the Permian Basin; providing for severability; repealing laws in conflict; and declaring an emergency.

Referred to Committee on Higher Education.

By Atwell:

HB 1529, A bill to be entitled An Act repealing Chapter 17, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, relating to occupation taxes applicable to stores and mercantile establishments; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Von Dohlen:

HB 1530, A bill to be entitled An Act relating to the licensing of pharmacists and the imposition of certain sanctions exempting certain persons from requirement of a license before distributing certain drugs and medicine; amending Sections 8 and 12, Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 4542a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Public Health.

By Wyatt and Von Dohlen:

HB 1531, A bill to be entitled An Act increasing the filing fee for suits for divorce or dissolution of marriage in all counties in the 24th Judicial District and the 135th Judicial District; and declaring an emergency.

Referred to Committee on Counties.

By Golman:

HB 1532, A bill to be entitled An Act amending Section 1 of Chapter 797, Acts of the 61st Legislature, Regular Session, by including aircraft, motorboats and watercraft within its provisions; amending Section 3 to likewise include air craft, motorboats and watercraft within its provisions; and declaring an emergency.

Referred to Committee on Judiciary.

By Golman:

HB 1533, A bill to be entitled An Act prohibiting the possession, sale, release or importation of any species of mammals determined harmful or potentially harmful to human or animal life or environment without a permit from the Parks and Wildlife Department; authorizing the Parks

and Wildlife Commission to make certain findings, publish list of harmful or potentially harmful species and promulgate necessary rules to carry out Act; providing a penalty; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Golman:

HB 1534, A bill to be entitled An Act authorizing the Parks and Wildlife Commission to commission game wardens as peace officers to enforce all provisions of the Penal Code; authorizing the Commission to expend special Game and Fish Fund for training; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Golman:

HB 1535, A bill to be entitled An Act authorizing the Parks and Wildlife Department to publish information on state parks, state historic sites, and state scientific areas; authorizing sale of publications; providing for the disposition of funds; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Adams:

HB 1536, A bill to be entitled An Act authorizing the Parks and Wildlife Department to execute deeds to exchange portions of certain sections at Palo Duro State Park for adjoining real property; authorizing exchange of other real property for adjoining property in Palo Duro Canyon; requiring title approval by Attorney General's Office; requiring all exchanges be completed within two years; requiring the Governor's approval; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Adams:

HB 1537, A bill to be entitled An Act establishing a Natural Rivers System; declaring the policy of the Legislature; designating a portion of the Guadalupe River; defining terms; authorizing the Parks and Wildlife Department to administer; reciting the powers and duties of the Department; providing the Federal Government not prevented by Act from establishing National Scenic or Wild River; granting tax relief to landowner who grants easement without consideration; repealing laws in conflict; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Slider:

HB 1538, A bill to be entitled An Act authorizing a transfer of powers and duties of the Board of Managers of the Texas State Railroad to the Parks and Wildlife Department upon adoption of a formal resolution of the Parks and Wildlife Commission; providing for operation within the State Parks System with revenues deposited to the State Parks Fund; repealing conflicting provisions of Chapter 58, Acts of the 53rd Legislature, 1953

(Article 6550(a), Vernon's Texas Civil Statutes); providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By H. Davis:

HB 1539, A bill to be entitled An Act relating to the liability of volunteer firemen and volunteer fire departments for damage done to private property; and declaring an emergency.

Referred to Committee on Judiciary.

By Salem:

HB 1540, A bill to be entitled An Act to authorize and provide for union recognition and collective bargaining for firefighters employed by cities, towns, and other political subdivisions of the state; to provide that firefighters shall receive compensation and other conditions comparable to private sector employees; to provide for impasse procedures and voluntary mediation; to provide for voluntary arbitration as one alternative to strikes and lockouts for settlement of disputes affecting firefighters; to prohibit strikes and lockouts of firefighters; to prescribe standards to govern collective bargaining and arbitration under the Act; to require compliance with collective bargaining agreements and awards of boards of arbitration under the Act; to provide for judicial enforcement of the Act; to make related provisions designed to effectuate the purposes of the Act; to provide for a declaration of policy, liberal construction, definitions of certain terms, severability, precedence over contrary laws; and effective date.

Referred to Committee on Urban Affairs.

By Braun:

HB 1541, A bill to be entitled An Act relating to the audit of accounts, books, and other financial records of river authorities; amending Chapter 293, Acts of the 48th Legislature, 1943, as amended (Article 4413a-1, et seq., Vernon's Texas Civil Statutes), by adding Section 7b; and declaring an emergency.

Referred to Committee on State Affairs.

By Braun:

HB 1542, A bill to be entitled An Act relating to the creation of water districts under the general law; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Braun:

HB 1543, A bill to be entitled An Act relating to purposes, administration, powers, duties, and functions of the Texas Air Control Board; providing for enforcement; providing for the jurisdiction of the Texas Air Control Board and certain local governments; including other provisions relating to the subject; amending Sections 1.02, 1.03, 1.05, 2.02, 2.08, 2.14, 2.16, 3.02, 3.12, 3.13, 3.14, 3.16, 3.20, 3.22, 4.02, 5.05, 6.01, and Subsection (b)

of Section 3.10, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By McKissack:

HB 1544, A bill to be entitled An Act expressing intent to promote utilization of public and private lands by management of the recreational and wildlife resources and authorizing liberal construction; authorizing state and local public entities to lease, transfer and grant easements to the Parks and Wildlife Department for certain recreational and wildlife purposes; authorizing transfers of private property for purposes expressed; requiring approval by governing body of offering agency; granting discretion to Parks and Wildlife Commission to accept; authorizing promulgation of rules; repealing conflicting Acts to extent of conflict; and declaring an emergency.

Referred to Committee on State Affairs.

By McKissack:

HB 1545, A bill to be entitled An Act authorizing the Parks and Wildlife Commission to set a fee for species of fish supplied to or placed in private lakes; authorizing the Commission to consider propagation, transportation and size in setting fee; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By McKissack:

HB 1546, A bill to be entitled An Act providing for increased penalties for second and third violations of the same statute or article in Title 13, Chapter 6 (Articles 871 through 978n-2, Vernon's Texas Penal Code), generally known as the "game laws," during any five (5) year period; providing penalties under this Act to govern over those of Article 61, Vernon's Texas Penal Code of 1925; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By McKissack:

HB 1547, A bill to be entitled An Act prohibiting the casting of a spotlight, headlight, or artificial light in, over or upon public or private property upon any game animals or birds protected by state law, with a firearm or device for wounding or killing such animal in possession between sunset and sunrise; prohibiting defense that no game animal was killed or wounded or firearm discharged; providing possession of artificial light and firearm or device capable of killing or wounding between sunset and sunrise where game animals are located or range, a prima facie violation; providing provisions inapplicable to vehicle headlights when animal is not pursued; defining terms; prohibiting infra-red light for hunting or taking protected species; providing a penalty; repealing Chapter 172, Acts of the 39th Legislature, 1925, Section 24 (Article 902, Vernon's Texas Penal Code); providing severability; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Cobb:

HB 1548, A bill to be entitled An Act relating to the district attorney of the 69th Judicial District and his assistants, investigators, and stenographers; and declaring an emergency.

Referred to Committee on Counties.

By Harris:

HB 1549, A bill to be entitled An Act relating to the establishment of a statewide adult probation system; and declaring an emergency.

Referred to Committee on State Affairs.

By Joe Allen:

HB 1550, A bill to be entitled An Act to create the Bays and Estuaries Protection Agency; to provide a short title; to define certain terms; to provide for membership of the agency; to provide for the election of a chairman; to provide for the appointment of an executive secretary and of representatives and agents by designated members; to provide for payment of expenses; to provide for the powers and duties of the agency; to provide for applications to alter estuarine areas; to provide for the procedure for filing applications; to provide for gathering of information by agency members; to provide for the issuance of permits; to provide for conditional permits; to provide for denial of permits under certain conditions; to provide for appeals; to provide for policing; to provide for injunctions; to provide for posting permits; to provide for the transfer of permits; to provide penalties for violations; to provide for exceptions; to provide for emergency powers; to provide for severability; to repeal conflicting laws; for other purposes; and declaring an emergency.

Referred to Committee on State Affairs.

HB 1551 through HB 1624 were not read first time today.

By McAlister:

HB 1625, A bill to be entitled An Act relating to validation of certain ordinances passed and bonds issued by home rule cities; providing for severability; and declaring an emergency.

Referred to Committee on Governmental Affairs and Efficiency.

ADJOURNMENT

In accordance with a previous motion, the House, at 12:47 p.m., adjourned until 11:00 a.m. next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Engrossed and Enrolled Bills: Correctly engrossed—HB 32, HB 384, HCR 70, HCR 97. Correctly enrolled—HB 76, HB 347, HB 348, HB 386, HB 493, HB 600, HCR 28, HCR 77, HCR 97.

Higher Education: HB 484, HB 487, HB 672, HB 896, SB 128, SB 278, SB 318.

Judiciary: HB 764, HB 926.

Mental Health and Mental Retardation: HB 517, HB 652, HB 674, HB 1041.

Revenue and Taxation: HB 272.

Rules: HSR 266.

SENT TO THE GOVERNOR
March 24, 1971

HCR 92

HCR 95

March 25, 1971

HB 76

HB 347

HB 348

HB 386

HB 493

HB 600

HCR 28

HCR 77

HCR 97

FORTY-FIFTH DAY—MONDAY, MARCH 29, 1971

The House met at 11:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Atwell	Blanton	Bynum
Adams	Atwood	Blythe	Caldwell
Agnich	Baker	Bowers	Calhoun
Allen, Joe	Bass, B.	Boyle	Cates
Allen, John	Bass, T.	Braecklein	Cavness
Allred	Beckham	Braun	Christian
Angly	Bigham	Burgess	Clark